



New Mexico Texas

July 27, 2022

Commissioner Chris Magnus  
U.S. Customs and Border Protection  
U.S. Department of Homeland Security  
1300 Pennsylvania Avenue NW  
Washington, D.C. 20229

*Via Electronic Mail*

**RE: Border Patrol's Deadly Vehicle Pursuit on July 27, 2022 in Santa Teresa, NM**

Dear Commissioner Magnus:

The American Civil Liberties Union of New Mexico ("ACLU-NM") and the American Civil Liberties Union of Texas ("ACLU-TX") write to urgently request that U.S. Customs and Border Protection ("CBP") takes immediate action in response to and investigates the deadly vehicle pursuit that took place early this morning in Santa Teresa, New Mexico. *In particular, we strongly urge your office to take immediate action to ensure that none of the victim-witnesses who were affected by this incident are expelled from the United States pursuant to Title 42.* All occupants of the vehicle must have the opportunity to consult with counsel, to be available to investigators, and to pursue any and all protections and legal remedies that may be available to them.

The vehicle crash that took place at about 4:45 AM this morning in Santa Teresa, New Mexico resulted in the deaths of at least two individuals and injuries to at least nine others. Local reporting indicates that most of the vehicle's occupants were taken to nearby hospitals and that Border Patrol has at least some of these individuals in the agency's custody. Although Chief Gloria Chavez's statement says that Border Patrol agents merely "arrived on-scene" of this deadly crash,<sup>1</sup> the local Sunland Park police have stated that the vehicle involved in the crash was fleeing Border Patrol at the time of the crash.<sup>2</sup>

This incident is extremely disturbing. It is part of a foreseeable and predictable pattern in which Border Patrol agents undertake dangerous vehicle pursuits in Southern New Mexico and West Texas that regularly result in fatal crashes. This puts not only the occupants of the vehicle at risk, but also poses great danger to the general public. Today's crash appears to have taken place in a residential area. There have already been 17 deaths this year due to Border Patrol

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<sup>1</sup> <https://twitter.com/usbpchiefep/status/1552320548977291264?s=21&t=xjYKG3FQvds7hPi7A7bQSA>.

<sup>2</sup> <https://www.ktsm.com/local/el-paso-news/2-dead-multiple-injured-in-santa-teresa-rollover-crash/>.

vehicle pursuits, while there were 23 last year – an 11-fold increase since 2019.<sup>3</sup> This incident again highlights that it is urgent for CBP to revise its vehicle pursuit policy to prioritize public safety.

Regarding today's incident, Border Patrol must be forthcoming about what took place, what role their agents played in this deadly crash, and which entities are conducting investigations. In particular, CBP should specify whether the El Paso Sector's Critical Incident Team is or will be playing any role in the investigation, either independently or in support of CBP Office of Professional Responsibility ("OPR"), the New Mexico State Police, or any other investigative entities. CBP OPR should publicly confirm an investigation and release their final investigative report on this incident, once it is available, and should state whether any agents have been referred for criminal or disciplinary action. The families of those who died in this incident deserve no less.

Thank you for your prompt attention to this matter.

Sincerely,



**Rebecca Sheff**  
Senior Staff Attorney  
American Civil Liberties Union of New Mexico



**Shaw Drake**  
Staff Attorney and Policy Counsel  
American Civil Liberties Union of Texas

cc: DHS Office of Inspector General  
CBP Office of Professional Responsibility  
DHS Office of Civil Rights and Civil Liberties  
U.S. Senator Martin Heinrich (NM)  
U.S. Senator Ben Ray Luján (NM)  
Representative Veronica Escobar (TX-16)  
House Committee on Homeland Security  
Senate Homeland Security and Governmental Affairs Committee

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<sup>3</sup> <https://www.aclutx.org/en/cbp-fatal-encounters-tracker>.